

ADmits ARCHBALD WAS 'SILENT PARTY'

Witness Testifies Accused Judge Was to Share with Him the Profits in an Erie Culm Pile Deal.

ROAD HAD CASE IN COURT

E. J. Williams Tells of Negotiations in Which, He Asserts, Jurist Was Interested While Sitting on Bench.

(From The Tribune Bureau.)

Washington, May 8.—After according Judge Robert W. Archbald, of the Commerce Court, the privilege of being present with counsel, the House Judiciary Committee held to-day its first hearing on the charges preferred against him, and made public three of the documents sent to the committee by the Department of Justice. These documents, as well as the turn of the investigation to-day, indicate that the investigation will include transactions other than the purchase by Judge Archbald and his business associates of a culm pile from the Erie Railroad, as was indicated in these dispatches last night.

Judge Archbald, who was not served with a subpoena, was accompanied by his two sons and an attorney, A. S. Worthington, of Washington.

Following the examination of Edward J. Williams, of Scranton, who was a party to the culm purchase, the committee made public the following papers:

A letter written by Judge Archbald, on the stationery of the Commerce Court, introducing Mr. Williams to S. S. Conn, president of the Laurel Electric Line of Pennsylvania. This letter was dated September 20, 1911.

An assignment made by Williams to W. P. Boland "and a silent party" of two-thirds of the profits which might result from the sale of Williams' option on the Erie culm bank, in the vicinity of Meigs, Penn. Mr. Williams testified that the "silent party" referred to was Judge Archbald.

A letter written by Mr. Williams to W. P. Boland, in which the former testified that he had called on Mr. Boland with a note signed by Judge Archbald, which Williams sought to discount. This letter, which the witness said he wrote at the request of Mr. Boland, concluded:

"I did not tell Boland at the time that the judge knew I was going to call on him to discount the above mentioned note. I only informed him, about July 25, 1911, that he made a mistake in not discounting said note, as he was interested in the case of John W. Peale, the Marion Coal Company, which was then before the United States court, and he would have saved all of the costs had he discounted the note."

Didn't Know What He Signed.

On cross-examination to-day Mr. Williams declared he did not know the letter to Mr. Boland contained any reference to the court case. He did not notice this, he averred, when he signed the letter.

He had previously admitted that in talking to C. G. Boland, brother of W. P. Boland, he had expressed the opinion that the lawsuit might have ended differently had the note been discounted.

"What made you say that?" asked Representative Thomas.

"I had no business saying it," said Mr. Williams. "I had no authority to say it. The judge didn't tell me to, and I don't know why I made such a statement."

Mr. Williams was nervous throughout the hearing. He is a rugged, plain spoken man, rather of the pioneer type, and he talked with a decided Welsh accent.

Asserting that W. P. Boland had photographed some of the letters in the Archbald case, Representative Carlin asked Mr. Williams if he thought this was done to "trap" Judge Archbald and himself.

"I didn't suspect it before, but my opinion now is that Mr. Boland is a bad man," said the witness.

"Why did you refer to Judge Archbald as 'the silent party' in that assignment of a part of your interest in the culm pile?" asked Representative Norris.

"Well, I don't know. I thought maybe it wasn't lawful to use the judge's name there," answered Mr. Williams.

Tried to Get Note Discounted.

Mr. Williams said the Archbald note he had sought to discount was taken to C. G. Boland. In the letter put into evidence to-day the witness said he had carried the note to W. P. Boland. Both brothers were interested in the Marion Coal Company, and the witness said he tried to get the note discounted by them because he knew them well and not because they had a case in court.

The note signed by Judge Archbald was for \$700, and Mr. Williams testified, was the jurist's share in an option held by himself and John Henry Jones on a million acres of timber land in Venezuela.

Williams related how the option for the culm bank property was negotiated with officers of the Erie Railroad, and how a sale for the property was negotiated, and said he and Judge Archbald were to divide the profits. Judge Archbald, during the negotiations with the Erie, told him that the lighterage case was before his court, Williams said.

"Judge Archbald showed me the briefs in the case," said Williams, "and told me it was about the lighterage case in which the Erie was interested. I didn't know what lighterage meant and he told me. Then he gave me a letter to Mr. May, of the Erie, and also told me he would see the general counsel for the Erie, Mr. Brownell, about the option."

How the option was given soon thereafter and a deal made, which was frustrated at a \$12,000 profit, which was frustrated at the Lackawanna & Wyoming Railroad Company, was described by the witness in detail.

Another transaction which the committee did not reach to-day, but will inquire about when the hearing is resumed on Friday, involves an alleged transaction for other culm bank property in which Judge Archbald, a man named Dainty and the Lehigh Valley Railroad were said to be interested. This deal, it was said, was interrupted by the charges

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JUDGE ROBERT W. ARCHBALD. Whose connection with a transaction in which the Erie Railroad figured is under investigation.

POISON LATEST WAR WEAPON

Mexican Rebels Say Federals Put It in Water.

Escalon, Mex., May 8.—That poison in drinking water is the method the federals now are using to crush the rebels was the charge made by General Salazar, who to-day reported to General Orozco that the recent battle at Cuatro Ciénegas was a rebel victory.

General Salazar sent word that he lost twenty-three men, most of whom died after drinking from a spring presumably infected by the federals. Many of Salazar's men are ill. Salazar declared the government loss was seventy killed and many wounded. The battle lasted twelve hours.

Residents in this section have complained lately of poisoned wells. Many horses, it is reported, have been lost by the rebels as a result of poison.

"PHONE HOG" IMPERILS LIFE

Woman Refuses to Give Up Wire When Child Is Hurt.

(By Telegraph to The Tribune.)

Chicago, May 8.—Somewhere in Chicago to-night is a woman whose selfish refusal to interrupt her telephone gossip with a friend so that an ambulance call might be sent for a little girl may be responsible for the child's death.

Nora and Julia Crowley, cousins, nine and ten years old, respectively, were roller skating on the sidewalk at West 37th street and Union avenue. Alfred Gebler drove a heavy truck on the sidewalk to avoid an approaching automobile. Both little girls fell under the wheels of the truck.

Nora's left leg was torn off and her body terribly bruised. Julia's arm was broken.

Neighbors ran to help the children, and one dashed into a house and tried to telephone for a police ambulance, when a woman's voice snapped over the wire:

"I am using this line. Pray do not interrupt."

"Good heavens, madam! There's a little girl out here with her leg torn off. I want to get an ambulance. Let me have the wire!" exclaimed the man.

"Get off the wire; I am talking now," was the reply, and the man had to run several blocks before he could get word to the police.

It was long before Nora could be taken to the hospital, and the doctors said the delay might mean failure to save her life.

WHOLE FAMILY HAS TYPHUS

Members Brought One by One to Jewish Hospital.

An unusual case of typhus infection, in which a whole family has been taken one by one to the Har-Moriah Hospital, is being investigated by officials of that institution and the United Hebrew Charities.

Last Friday, the hospital attendants say, Israel Kowitzky, of No. 183 Avenue C, asked if his wife could not be cared for at the hospital. He said that she was ill and that all family remedies had failed. The woman was brought to the hospital with a plain case of typhus fever.

On Monday Kowitzky reappeared and said that he didn't feel any too well himself. An examination showed that he was infected and he was detained at the hospital. The attendants found that the detention of father and mother left three small children at home practically alone. A physician was sent to the house and there he found that two of the children had typhus. They were taken to the hospital, leaving one small child in the care of a maid. Last evening a neighbor brought the remaining one to the hospital. Mrs. Kowitzky is beginning to recover, but the two older children are in a serious condition.

CARDINAL AFTER A YACHT

O'Connell Likes Steam Craft and May Buy It for Cruising.

(By Telegraph to The Tribune.)

Boston, May 8.—Cardinal O'Connell may take up yachting as a diversion this summer. He is at present negotiating for the purchase of a fine steam yacht, which is stored in the shipyard of Stearns & McKay, at Marblehead, according to employees of the firm.

The Cardinal went to Marblehead yesterday afternoon, accompanied by a friend, and made an inspection of the craft stored there. His eye caught a steam yacht with glass inclosed cabins, and he liked it so well that he requested Stearns & McKay to negotiate with the owner for its purchase.

If the Cardinal buys the yacht it is understood that he will spend much of his time in Marblehead waters this summer.

DEWEY'S OLD BURGUNDY & CLARETS With meals, strengtheners Brain and Body. H. T. DEWEY & SONS CO., 125 Fulton St., N.Y.

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TAFT TO MAKE RECORD FIGHT TO WIN OHIO

President Begins a 9-Day Trip Next Week, to Speak in Every Corner of Home State.

AGAIN ATTACKS COLONEL

Tells Columbus Meeting Roosevelt Aided in Emanculating Treaties—Not a Tool of Trusts, President Says.

Columbus, Ohio, May 8.—Plans for the President's swing through Ohio next week, made public in part here to-night, indicate that Mr. Taft intends to make a spectacular and strenuous fight to control the state's forty-eight delegates to the Republican National Convention.

Entering Ohio next Monday morning at Marietta, the President will speak in practically every city and town of more than five thousand inhabitants that he has not visited on the tour ended here to-night. The President will travel more than one thousand miles in Ohio by special train, leaving a labyrinthine trail across the state from the Ohio River to the Indiana state line and from Cincinnati to Lake Erie. Mr. Taft will be in the state nine days, and on seven of these he will be in full action. Estimates to-night were that he would speak at least seventy-five times.

Although details of the trip were not completed to-night, the President is expected to find some new subjects on which to continue his attacks on Colonel Roosevelt. Friends of the President believe the developments of next week will be of great importance to Mr. Taft, and every effort is being made to have the trip successful.

Counting the day he leaves Washington, the President will spend seven nights on his car and two "ashore"—Thursday in Cleveland and Sunday in Cincinnati. Although the list of cities and towns he will visit was not made public to-night, addresses are scheduled for Steubenville on Monday, Youngstown on Tuesday, Sandusky on Thursday, Cleveland on Friday, Toledo on Saturday and Springfield and Dayton on Monday.

Mr. Taft will vote in Cincinnati on Tuesday and will return to Washington that night.

Colonel Emancipated Treaties.

President Taft charged here to-night in Memorial Hall that Theodore Roosevelt, his campaign manager, Senator Dixon, of Montana, and Democrats in the Senate were responsible for the "emancipation" of the arbitration treaties with Great Britain and France, and that in consequence of their action the past were so changed as to be of doubtful utility. These treaties, the President declared, would have made "wide steps toward universal peace; would have signaled a movement for a universal arbitral court and were as progressive measures as ever were suggested to the American people."

"For some reason unknown to my puzzle-witted brain," said the President, "Mr. Roosevelt opposed those treaties, and by those men who supported that opposition, his manager, Mr. Dixon, and the Democratic voters in the Senate, those treaties were so emancipated that it is difficult to see whether they contain anything of value which ought to be ratified into a treaty. My idea of progress and of the highest progress possible, was in those arbitration treaties, because I saw in them a step toward a universal arbitral court to which any nation in the world might resort in order to solve a controversy that it might have with any other nation. Until we get such a court war will not disappear, and this was a decided step toward that end, as progressive a measure as has ever been suggested to the American people."

Mr. Taft's Memorial Hall address was the last scheduled for his present tour through his home state. He continued his attack to-night on Colonel Roosevelt, taking up more than a dozen subjects that Mr. Roosevelt has referred to in his speeches against the President. Mr. Taft openly accused Mr. Roosevelt of misrepresentation and misstatement, saying that in many actions for which his predecessor now criticized him he had been influenced by Mr. Roosevelt's advice, and asked the people of Ohio to give him a square deal.

Not the Tool of the Trusts.

The President dwelt at length on the Roosevelt charges that he was the friend of the boss and the tool of the trusts and special interests. He pointed out the failure of the Roosevelt administration to prosecute the Steel trust and the Harvester trust and contrasted that with the attitude of his own administration, which has filed suit against both.

Although he carefully explained that he did not wish to charge Mr. Roosevelt with anything improper, the President reviewed in some detail the circumstances under which the Roosevelt administration decided not to institute proceedings against those trusts or against any of the "Morgan interests."

The President said that George W. Perkins, a director of the Harvester trust and of the Steel trust, was instrumental in preventing the prosecutions in the Roosevelt days, and continued:

Mr. Perkins is one of the chief contributors of Mr. Roosevelt's present financial fund. Now I want to ask you, What do you think Mr. Roosevelt would say of me if I had not prosecuted the Steel trust and the Harvester trust and it appeared subsequently that Mr. Perkins was a large contributor to a special fund expended for my use? Well, what does he do on the face of that? He charges me with being in the control of the special interests, takes that audacious courage I still believe him to have.

Explains Rise in Trust Stocks.

Replying to the statement that the decrease of the Supreme Court in the Standard Oil and American Tobacco Company cases were really of benefit to those trusts, and that the Taft administration

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TOLD TO BURN PAPERS OF STEEL WIRE POOLS

Former Employee Declares He Put Them Under Boilers at Vice-President's Orders.

TELLS OF GRAND JURY PROBE

Resigned, He Says, After Conversation in Which He Would Not Agree to Testify as Superiors Desired.

The burning of a trunkful of papers which had been used against the officials of the American Steel and Wire Company in the indictments against the members of nine steel wire pools found a year ago, and incidents of the grand jury investigation that attempted to fix the blame some months later, furnished startling testimony yesterday at the hearing before Henry P. Brown, as examiner, in the government's suit for the dissolution of the steel trust.

Henry A. Whitney, for twelve years an employee of the American Steel and Wire Company in its electric and wire rope department, and in charge of the papers that pertained to the wire rope pool, of which the company was a member, told not only of the burning of the papers, but also described a conversation held between him, Frank Baackes, vice-president of the company, and George A. Cragin, assistant sales manager, in front of the grand jury room in the Federal Building, in which the two men asked what he intended to say to the grand jury, and tried to correct his recollection as to who gave him the order for the destruction of the papers.

The startling tale of the conversation outside the grand jury room Mr. Whitney told after Jacob M. Dickinson, counsel for the government, had brought out through him a description of how the papers were burned. Whitney said he was instructed to do so by Mr. Baackes, and all cross-examination by Richard V. J. Indabury, C. A. Severance and Raynal C. Bolling, for the Steel Corporation, did not make him waver in the assertion that it was Mr. Baackes and not Mr. Cragin who issued the order.

Resigned After Conversation.

As a result of his inability to agree with Mr. Baackes and Mr. Cragin on the occasion of that talk in the Federal Building he felt that he had to resign, Mr. Whitney said, and he did so on March 13. He was pressed by Mr. Bolling to say whether he was absolutely certain that the destruction of the papers had been ordered by Mr. Baackes and not by Mr. Cragin.

"It was at his suggestion, but I have always felt that I obeyed Mr. Baackes," said Whitney. "Cragin was called in, but it was Mr. Baackes who told me, I wish I wasn't so sure about it, for I understand Mr. Baackes does not agree with me."

He added that he had tried to have his recollection confirmed, and Mr. Dickinson then asked whether any persons had tried to confirm their recollection by his, thus bringing out Whitney's reluctant tale.

"Yes," he said. "I was in the grand jury witness room when Mr. Cragin told me Mr. Baackes wanted to see me. I met him in the hall and he asked me if I remembered my instructions about the destruction of the papers. I said yes, you told me to do it. He said I was entirely wrong. I said that put me in a very strange position, because that didn't agree with my recollection at all."

"Did he know you were about to testify before the grand jury?" asked Mr. Dickinson.

"Apparently," replied Whitney.

"Did he say anything about his testimony confirming yours?" was the next question, and Whitney answered:

Expected Testimony To Be Same.

"He seemed to be satisfied that I would testify as he had testified. He told me what he had said to the grand jury."

Mr. Severance broke in at this moment declaring the proceeding as entirely unprecedented, only to get the answer from Mr. Dickinson that so was the destruction of those papers.

"You tried four weeks to get indictments for it, and couldn't," was the rejoinder of Mr. Severance, but Mr. Dickinson just continued.

"Just what did Mr. Cragin say to you regarding the testimony you were to give and he had given?" And Whitney answered:

"I can't say, I was so greatly disturbed by his telling me he had given the instructions, when I had believed all along that Mr. Baackes had given them. I told him I was trying to get my recollection straightened out, and finally said I was sure Mr. Baackes had given me the instructions."

Mr. Bolling wanted to know whether Whitney had talked to Baackes after having given his testimony before the grand jury, and the witness replied:

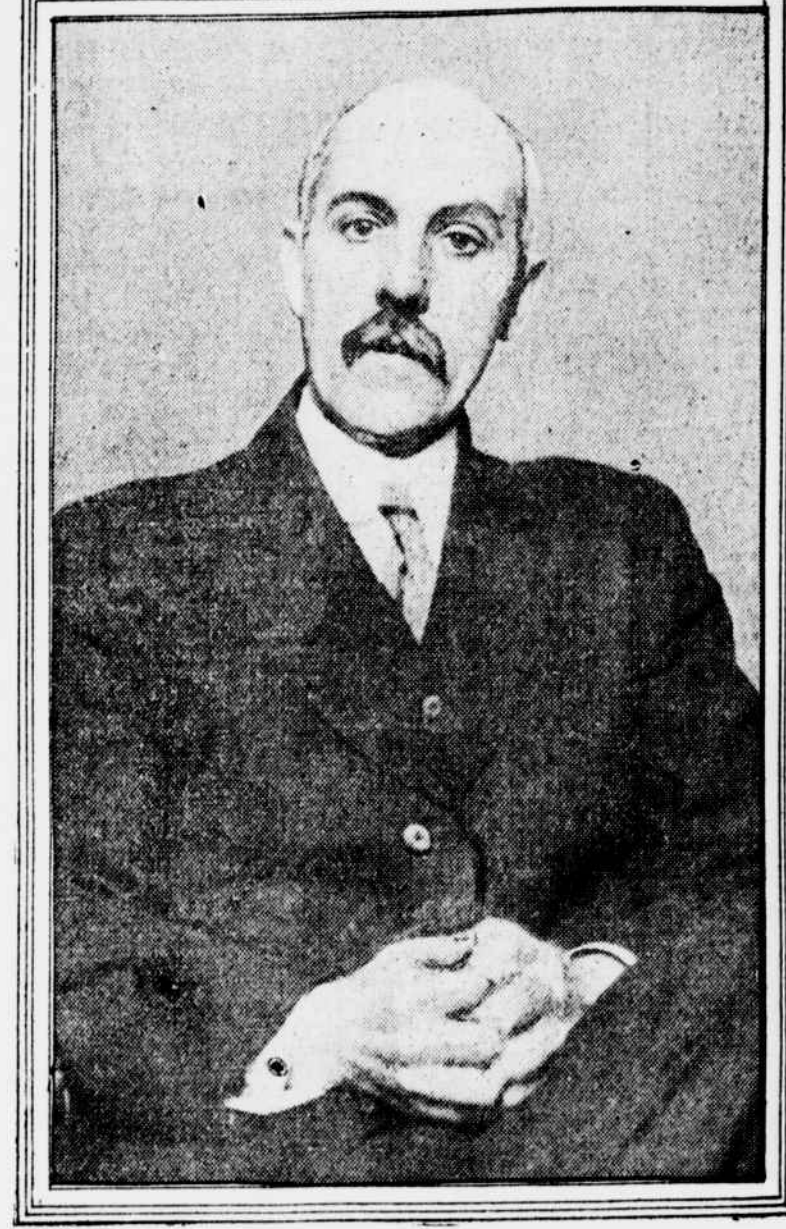
"Yes, I met him in the hall and said I couldn't bear to testify against him, so I would have to resign."

He added that he resigned, but that he was not asked to do so. Mr. Whitney was the first witness of the day. He said he had been an employee of the Washburn-Moen Company until that corporation was absorbed by the American Steel and Wire Company in 1898, when he became an employee of the larger enterprise.

The first question put by Mr. Dickinson regarding the destroyed papers brought the attorneys for the Steel Corporation into energetic action. Their objections proved of no avail, and the questioning was continued in the direction desired by the government.

Responding to queries, "Mr. Whitney told how he was asked early last year to get together the papers relating to the wire rope association. His collection was taken into Mr. Cragin's office, he said, put into a trunk and sent to the United States Attorney's office in New York. Asked where he had seen those papers for the last time after they had

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HENRY A. WHITNEY.

For twelve years an employee of the American Steel and Wire Company, who testified yesterday that he destroyed certain papers relating to pooling agreements at the direction of his superiors, and also that he had been approached by two men who endeavored to correct his recollection as to who gave him the orders.

(Photo by Paul Thompson.)

Yes Indeed, Kate Carew Marched in Suffrage Parade

Her professional instinct caused her to take along her note book, and although it was a serious matter with her, as with the other thousands of paraders, you'll find food for laughter as well as thought in her story in Next Sunday's Tribune

AUTO KILLS WOMAN

Victim, Richly Dressed but Unidentified, Dies.

A well dressed woman, about fifty-five years old, was struck by an automobile owned by John J. Curran, a building inspector of the Board of Education, at Flatbush avenue and Prospect Place, Brooklyn, shortly before 11 o'clock last night. She was huried to the Holy Family Hospital by Dr. Ryan, where she died early this morning.

The automobile, which was driven by Mr. Curran's son, John J., Jr., and carried Miss May Curran as a passenger, was going east on Flatbush avenue and was on the point of crossing Prospect Place, when the woman stepped from the sidewalk into the path of the machine.

The woman was dressed in a green tailor made suit, white silk shirtwaist and black silk stockings and black shoes. She had a pair of diamond pendant earrings and a diamond brooch, and carried a gold handled umbrella, which bore the initials "J. F. C." on the top. The police hope to identify the woman by means of these initials.

No arrest was made, the police believing the accident unavoidable.

PADLOCK OVER HER HEART

Young Woman Says It Is a Precaution for Her Lover's Sake.

Sarah Bernstein, of No. 394 Vermont avenue, East New York, was arrested last night at the Brooklyn terminal of the Williamsburg Bridge after making several efforts to throw herself under passing trolley cars.

A large padlock was found inside her clothing, just over the heart, when searched in the Bedford avenue police station.

"What is that for?" she was asked.

"That is to keep my heart for my lover," she said. "He does not come to see me any more, but I hope he will come again some time. I am afraid some one else would steal my heart while I am waiting for him, so I have fastened it in with a padlock."

She became violent and was taken to the Kings County Hospital, where it was necessary to place her in a straitjacket. She gave her age as twenty-four and said she was employed as a floorwalker in a Manhattan department store.

AT SEA WITHOUT WIRELESS

Masters of Five Steamers Indicted Under New Law.

Norfolk, Va., May 8.—The federal grand jury to-day brought in true bill indictments against the masters of five British steamships for violation of the acts of Congress requiring all vessels carrying crews and passengers in excess of fifty persons to be provided with wireless apparatus.

Those indicted were Captains T. H. Dutton, of the steamship Barnum; A. Parker, of the Meltonian; R. P. Davies, of the Median; F. J. Mercer, of the Louisianian, and J. Pierce, of the Sokate. The defendants are now out of this jurisdiction.

Bretton Woods Hotel, White Mts., N. H. The Mt. Pleasant, The Mt. Washington, Booking rep., 1130 B'way, tel. 4748 Mad. St. —Adv.

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THOUSANDS FLEE FROM THE FLOOD

Raging Waters of the Mississippi Pouring Over New Territory Heretofore Supposed To Be Safe.

COURIERS WARN CITIZENS

Property Damage Now Reaches \$50,000,000, and Federal Officials Believe This Will Be Largely Increased.

New Orleans, May 8.—Generally, the flood situation in the lower Mississippi Valley was much improved to-day. Another day of sunshine gave the workers on the levees some advantage, and to-night reports are favorable as far as more breaks are concerned.

Pitiful tales of refugees continue to come in, however, from many sections. There now are 4,000 refugees at Baton Rouge. About 500 were taken there to-day from New Roads, to which place they had been sent from the surrounding territory.

Citizens of Luther sent threats to-day to the Governor's office that the tracks of the Yazoo & Mississippi Valley Railroad would be torn up unless the gap in the Pontchartrain protection levee were closed.

Railroad Gap Held Open.

It required four days and four nights of hard work to close the drainage gap, and the job was finished early to-day, but the railroad gap is still open. The Luther people say they would be inundated in the event of a break here if the protection levee should fail.

In this city the situation to-night concerns more largely the scenes of activity around the relief headquarters, where carloads after carloads of supplies are being boxed up and shipped out to the refugee camps in Central and Northern Louisiana, rather than any alarming condition on the river front.

Levee conditions are improved, but the work of strengthening the line of reverts and topping low places continues. United States and state engineers declare there is not the slightest danger of a break here. They consider the stretch of eight thousand feet at Amesville, across the river from New Orleans, the only bad line of levees in the immediate vicinity of the city. About one hundred and fifty men are at work on this stretch, and Captain Sherill, chief of the United States army engineers, in charge of the work, stated to-night that he considered it absolutely safe.

At Esplanade street, where the Southern Pacific ferryhouse is flooded, a single line of sandbags holds back the water, but several carloads of sandbags are at hand, should they be needed. The seepage at the head of Canal street has been effectively stopped.

Aid for Sufferers.

Samuel Blum, chairman of the New Orleans relief committee, continued to-day to send heavy shipments of clothing and shoes to flood sufferers in the section affected by the Torras crevasse and the flood waters of the Atchafalaya River.

The railroads and express companies transport all of these supplies free of charge, and have been furnishing the committee with special express cars for all big shipments.

Mayor Behrman issued a statement to-day, in which he bitterly denounced the authors of sensational reports concerning the flood situation in New Orleans which recently have appeared in papers outside of this city. He said there was no danger in New Orleans.

There were no new breaches in the dikes, but the flood waters continued to spread over new territory. The torrent from the crevasse at Torras reached New Roads to-day, and thousands of persons in territory that had been considered safe from the oncoming flood are endangered. Couriers have been sent out to warn the inhabitants to flee.

New Roads, La., May 8.—It is believed by those in charge of flood relief work that practically all the marooned inhabitants of Pointe Coupee Parish will have been rescued by the end of this week. Texas & Pacific railroad officials say their road has carried about seven thousand persons from points along their line in the upper part of the parish.

The Texas & Pacific station at New Roads is crowded with white refugees waiting to be taken to the relief camp at Baton Rouge. Among them are four women who were rescued near Morganza. They had stood in water several feet deep for nearly three days, when boatmen reached them.

Waters from the Torras crevasse continue to spread over West Baton Rouge and Iberville parishes.

The situation in the country between the main line and the Port Allen branch of the Texas & Pacific Railroad is about as dark as words can paint it. The main line of the road is washed out in numerous places, and inhabitants of the interior are cut off from relief trains. The only way they can be reached is by motorboats, which the government representatives have arranged to send out.

Melville, La., May 8.—The destitution and distress that follow in the path of crevasses has a practical demonstration when the steamer Whitman, with 750 refugees from the McCrea section of Pointe Coupee Parish landed here. These unfortunate were picked up along the levee, where they had been for three days without shelter, while an almost continuous rain had prevented the cooking of the rations which had been given them. Many, however, refused to be taken away, preferring to remain and guard the overworked property.

At Ravenwood, six miles east of Melville, the few remaining inhabitants have been forced to leave their houses

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